

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KARL LORENTSON,

Plaintiff,

v.

AMAZON.COM, INC.; AMAZON.COM
SERVICES LLC; EXCLUSIVE 186POWER
LLC D/B/A GREEN-TREE EXCLUSIVE; and
DOES 1-50,

Defendants.

No. 2:20-cv-01832-DGE

ORDER REGARDING REMOTE
DEPOSITIONS

Pursuant to Federal Rule of Civil Procedure 29(a), the parties shall follow the foregoing protocols regarding virtual depositions in this matter:

Virtual Depositions. The depositions of witnesses in this case shall be conducted by a remote videoconference platform until otherwise agreed.

Notice and Login. The parties intend to use Planet Depos as the court reporter and Zoom as the virtual platform, but may use another court reporter or platform if the need arises. Login information will be provided to all parties no later than 24 hours prior to the start of the deposition.

Physical Presence with Deponent. The deponents will be made available for deposition by video. The only person permitted in the same room as the deponent is the deponent's lawyer, in which case the deponent and the deponent's lawyer will each have their own computer with camera, and individual or shared audio feeds via microphone or telephone. No deponent will be

1 required to be present in the same room as another person if the deponent wishes to be deposed
2 alone.

3 **Conduct of Deponent.** While on the record the deponent will not use any communication
4 device other than those to facilitate the deposition. While on the record, the deponent will not
5 privately confer with anyone between a question and an answer except for the purpose of
6 determining the existence and questions of privilege. This stipulation does not govern the conduct
7 of anyone while not on the record.

8 **Contact with the Deponent During a Virtual Deposition.** While on the record, no one
9 will communicate with the deponent outside of the video/audio stream. This includes, but is not
10 limited to, instant messaging, text messaging, or any equivalent. In the event any such
11 communications occur, the parties agree that the communications are discoverable.

12 **Technology Requirements.** All virtual depositions will be stenographically recorded by a
13 court reporter. The deponent, the deponent's lawyer, and the questioning attorney must have a
14 webcam-equipped device (such as a desktop, laptop, or tablet), and a device with audio-capabilities
15 or access to a telephone for calling into the deposition, and they must allow themselves to be seen
16 and heard at all times during the deposition. Unless directed otherwise by the court reporter, all
17 other attendees will turn video off such that their names appear instead of their images (but they
18 may view the video feed of the deposition). Counsel for the deponent shall be responsible for
19 ensuring that the deponent has access to the required equipment on the day of the deposition and
20 that any equipment checks or tests (as instructed by the deposition services vendor) have been
21 completed prior to the deposition. Noticing counsel are not responsible for the quality or
22 functionality of the video and audio stream for the deponent or other participants.

23 **Identification of Individuals in Attendance.** Every person attending the deposition shall
24 be identified on the record at the commencement of the deposition or upon later entry permitted
25 by the court reporter. Persons attending by telephone must identify themselves by name and by
26 telephone number. Under no circumstances may persons attend the deposition virtually in any

1 manner without identifying themselves on the record at the commencement of the deposition or
2 when admitted later by the court reporter.

3 **Conduct by Participants Appearing Virtually.** In addition to the provisions set forth
4 above, each participant should attend from a quiet location. All attendees other than the deponent,
5 court reporter, deposing attorney, and objecting attorney will set their audio connection to mute to
6 avoid unintentional noise.

7 **Exhibits.** The parties will mark and share any exhibits using a court reporting agency's
8 technology that facilitates the sharing and review of exhibits through exhibit share features and/or
9 chat. Exhibits should be sharable in such a way that allows the deponent to, if necessary, increase
10 the size of the exhibit and scroll through a multi-page exhibit so that the deponent may review the
11 entire document.

12 **Disruptions.** In the event the deponent, the deponent's lawyer, or the questioning
13 attorney's video feed is interrupted or otherwise becomes hidden from view, the deposition will
14 be suspended, and the parties will go back on the record only when that person's video stream
15 functionality has been restored. Disruptions due to video streaming, phone line interruption, or
16 other technical problems shall not be counted against record time.

17 **Court Reporter and Videographer.** The parties stipulate, in accordance with Federal
18 Rules of Civil Procedure, that the court reporter or videographer (if noticed) may participate in the
19 virtual deposition, and that the deposition will be deemed to have been conducted "before" that
20 officer, even though the officer is not physically present with the deponent, so long as that officer
21 is able to identify the deponent. The court reporter will at all times have access to the same interface
22 as the witness.

23 **Other Recording.** No participant other than the court-reporting agency and videographer
24 (after appropriate notice) may record by video, photograph, or audio any of the proceedings. This
25 shall include recording using any form of virtual transmitting device, computer recording device,
26 laptops, camera, and personal device, including smart phones, tablets, iPads, Androids, iPhones,

1 Blackberries, or other PDAs. Nothing in this provision prevents or limits the taking of notes by
2 those identified on the record.

3 This Order will be in effect until one of the parties provides notice of the need to make
4 changes to it and agreement is reached, or the court orders that other procedures shall apply.

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6 **IT IS SO ORDERED.**

7 DATED this 10th day of January 2023.
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14 David G. Estudillo
15 United States District Judge
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